

REVISED 2/4/13

SB 185 - Revise veteran public employment hiring laws

The Department of Administration supports this bill and suggests a few minor wording changes to add clarity.

This bill provides veterans with an opportunity to demonstrate their abilities to potential employers by allowing public employers to guarantee an interview to qualified veterans. The bill also encourages public employers to further explore the unique qualifications of veterans beyond the initial application for a position. Often, a resume may not adequately describe the vast experience gained by serving in the armed forces. The opportunity to have an in-person discussion with a veteran about how his or her attributes would benefit a particular state agency is a valuable recruiting tool. America's veterans are a well-trained and oftentimes highly-skilled group of people who have already demonstrated their ability to achieve and their commitment to our country. These characteristics make them perfect candidates for public employment, where they can continue their dedicated public service to the citizens of the state of Montana. The high unemployment rate among veterans, especially post-9/11 veterans, is a concern and this legislation is a step forward in addressing that issue and in recognizing the exceptional talent that many of our veterans have to offer to public-sector employment.

Suggested Amendments

First, we suggest that section 4, line 4(b) be amended to read, "any disabled veteran as defined in 39-29-101, except that the disabled veteran must be ~~honorably discharged~~ discharged under honorable conditions as defined in 39-29-101(8)."

Using the term "honorably discharged" excludes individuals who are generally discharged under honorable conditions, and the term is also not currently defined in Section 39-29-101. "Under honorable conditions" is defined in Section 39-29-101 and includes "honorable discharges and general discharges" [Section 39-29-101(8)(a)]. The term does not include dishonorable discharges or other administrative discharges characterized as other than honorable [Section 39-29-101(8)(b)].

The term "honorably discharged veteran" is used again several other times throughout the bill. If the intent of this bill is to include all veterans discharged under honorable conditions, the "honorably discharged" language should be deleted, as the definition of "veteran" already includes them.

Second, we also suggest that section 6, line 3, be amended as follows for clarity.

"To minimize confusion between 39-29-102 and this section, if a public employer in an initial hiring for a position shall uses the scoring procedure, the employer should follow the guidelines under 39-29-102 if an applicant requests a veterans' or disabled veterans' preference. if available, and if not available. If a scoring procedure is not used, the employer should provide preference first to a disabled veteran, then to a person with a disability, a veteran, an eligible relative as defined in 39-29-101, and an eligible spouse as defined in 39-30-103, in that order, over any applicant that does not have preference eligibility and that has substantially equal qualifications."

Finally, Section 39-29-103(3)(a) should be made consistent with the proposed language in Section 39-29-102(5), which uses "substantially equally qualified. . ." Using "qualifies" without further description suggests only "minimum" qualifications. Section 39-29-103(3)(a) should be amended to: (a) may, under an existing rule or ordinance implementing this subsection (3)(a), guarantee to ~~a an honorably discharged~~ a veteran a job interview for a position for which the ~~honorably discharged~~ discharged veteran is substantially equally qualified ~~qualifies~~ and has submitted a preference claim; and"